FOR ARGUMENT

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1978

No. 78-435

KAISER ALUMINUM & CHEMICAL CORPORATION,
Petitioner,

v.

BRIAN F. WEBER, *Respondent.*

REPLY BRIEF FOR PETITIONER

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INTRODUCTION

Two years ago, the Union told the Fifth Circuit that "the facts [of this case] presented a prima facie case of pre-1974 discrimination."[1] Now it avers that no such facts existed.[2] In the court below, the Union stated that the "threshold question" in this case is "just how clear the record of prior discrimination must be in order to license the parties to take *remedial* steps."[3] Today it avers that this question "is not presented on this record."[4]

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[1] Union's Appeal Brief at 11. For the convenience of the Court, a copy of this Brief has been lodged with the Clerk.

[2] Union's Brief at 77.

[3] Union's Appeal Brief at 15 (emphasis added).

[4] Union's Brief at 78.

Only the Union can explain its startling reversal of field, and only the Union knows whether its objectives have changed along with its position. However, if this Court accepts the Union's view that "quotas can be voluntarily adopted by employers and unions but may never be required by a court as Title VII remedies," the consequences are clear. First, the Company's program would remain in force—but only for so long as it was not voluntarily changed through collective bargaining. Second, new programs would be adopted only if employers and unions voluntarily agreed to do what no court or government agency could order them to do even if they had been found to have discriminated. While it is a mistake to underestimate the role of voluntarism in eliminating discrimination, history teaches that it would be a greater mistake to believe that voluntary action can be the exclusive solution.

The Union's new argument would produce precisely the result that Respondent has consistently sought: the end of voluntary race conscious remedies. The Respondent may differ with the Union in conceding that the Company's 1974 training program would meet a "compelling goal" if it was a "remedy . . . for discrimination against identified individuals." But, like the Union, he argues—contrary to the facts—that the program did not have a remedial intent. Furthermore, the Respondent wrongly claims that the program could be remedial only if its benefits were limited to individual victims of past discrimination. Despite these differences in reasoning, acceptance of either the Respondent's or the Union's position would inevitably perpetuate the exclusion of women and minorities from a broad range of employment opportunities for years to come.

Kaiser has consistently opposed this result. It reiterates here its view that voluntary remedial race conscious action may be lawful if taken under circumstances which reasonably could be construed to require a remedy, and if the remedy itself is reasonable. In support of that position, the Company responds here to four points raised by the Respondent and the Union: First, the 1974 training program was remedial. Second, the legislative history of Title VII does not preclude race specific selection procedures instituted to achieve compliance with Title VII and Executive Order 11246. Third, the benefits of such selection procedures need not be limited to actual victims of discrimination. Fourth, affirming the judgment of the Court of Appeals would radically change Title VII and would have a severe, damaging impact on the employment opportunities of women and minorities for at least a generation.

I. THE 1974 TRAINING AGREEMENT WAS INTENDED TO REMEDY IDENTIFIED DISCRIMINATION

The Respondent and, surprisingly, the Union embrace the trial court's erroneous conclusion that there was "no evidence" Kaiser adopted the 1974 training program and its race specific selection system "with a view toward correcting the effects of prior discrimination."[5] Both the Respondent and the Union assert that the purpose of the 1974 agreement was simply to eliminate racial imbalance and respond to societal discrimination.[6]

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[5] Appendix to Petition for Certiorari ("Pet. App.") at 53a; 415 F. Supp. at 765; Respondent's Brief at 19, 54-70; Union's Brief at 10-11, 77.

[6] Respondent's Brief at 12-16; Union's Brief at 2.

Such assertions are myopic; they ignore both the facts and the state of the law at the time of the 1974 agreement.[7] Those factors make clear that in 1974 Kaiser had cause to be concerned about whether the underrepresentation of minorities and women in craft jobs at Gramercy and other plants was defensible under either Title VII or Executive Order 11246.

The Company has denied and still denies that it has violated Title VII or any other equal employment opportunity law. However, it would have been fatuous for the Company to have concluded, as Respondent does now, that evidence of its possible discrimination "does not exist." Such a conclusion would surely be suspect in the light of the Fifth Circuit's recent decision in *Parson* v. *Kaiser Aluminum & Chemical Corp.*, 575 F.2d 1374 (5th Cir. 1978), which reversed a judgment for Kaiser in a Title VII case involving another Louisiana plant of the Company—a plant also covered by the 1974 craft training agreement.

The Company and the Union explicitly recognized this state of affairs in the 1974 agreement and in the report of a Joint Committee established to implement that agreement. They stated in the agreement that "litigation is pending which may have some bearing on employment conditions for female and minority employees in the bargaining unit."[8] The agreement directed, therefore, that a Joint Committee review the representation of those groups in craft jobs and, where necessary, set appropriate goals to increase that representation. The agreement also specified that a one-to-

[7] These matters were explored in detail in Kaiser's Petition for Certiorari and in its initial Brief.

[8] Joint Appendix ("J.A.") at 135.

one selection ratio would apply until the goals are reached as long as qualified candidates were available.

The appointed Committee reviewed minority and female representation in all craft jobs at each plant. It concluded that

> notwithstanding the efforts made by the Company and the union and/or the gains made via the Company's various Affirmative Action Plans per E.O. 11246, such representation must be increased in order to assure full compliance with the standards presently being enunciated by the Government and recent court decisions.[9]

It was on this basis that the one-to-one selection ratio was made applicable to all selections for craft apprenticeship positions at all fifteen of the Company's plants covered by the 1974 agreement. This program was thus designed to meet problems of discrimination identified by federal agencies and courts and, as such, satisfies the criteria for race conscious action articulated by a majority of this Court in *Regents of the University of California* v. *Bakke*.[10]

Long before the *Bakke* decision, the Union itself recognized the possibilities of discrimination which the Company addressed in adopting the 1974 agreement.

[9] J.A. at 145.

[10] —— U.S. ——, 98 S. Ct. 2733, 2757-58 (1978) (opinion of Mr. Justice Powell), 2775 n.17, 2781 (opinion of Mr. Justice Brennan). Indeed, the 1:1 apprentice ratio incorporated in the 1974 training agreement reflects not only the provisions of the Steel Industry Consent Decree but also the prior decree of Judge Pointer in United States v. U.S. Steel, 371 F. Supp. 1045 (N.D. Ala. 1973), which led to that decree. Moore, *Steel Industry Consent Decree—A Model for the Future*, 3 Employee Rel. L.J. 214, 220-21 (1977).

In its Brief to the Fifth Circuit, the Union argued that "the parties negotiated their agreement against a factual background which, at least arguably, contained elements which courts would find discriminatory ...."[11] The Union is, of course, free to change its position. But it cannot change the facts or obscure the clearly remedial character of the 1974 agreement.

II. VOLUNTARY REMEDIAL RACE CONSCIOUS SELECTIONS ARE NOT FORECLOSED BY THE LEGISLATIVE HISTORY OF TITLE VII

Kaiser fully agrees with Respondent and the Union that the failure to adopt quotas to eliminate racial imbalance does not constitute a violation of Title VII. However, it rejects the Union's conclusion, based on some congressional statements construing § 703(j), that race conscious remedies are unavailable under § 706(g).[12]

Subsection 706(g) gives courts a broad mandate to order "appropriate" affirmative action or "other equitable relief" to remedy discrimination.[13] The Union seizes upon the last sentence of the subsection as a limitation on this remedial authority. That sentence states that

> [n]o order of the court shall require ... the hiring ... of an individual ... if such individual ... was refused employment ... for any reason other than discrimination on account of race, color, religion, sex or national origin ....

The sentence the Union cites was not intended to prohibit courts from ordering quota remedies. As finally amended[14] and adopted, the provision was explained by House Judiciary Committee Chairman Emanuel Celler as follows:

> The purpose of the amendment is to specify cause. Here [*sic*] the court, for example, cannot find any violation of the Act which is based on facts other—and I emphasize "other"—than discrimination on the grounds of race, color, religion or national origin. The discharge might be based, for example, on incompetence or a morals charge or theft, but the court can only consider charges based on race, color, religion or national origin. That is the purpose of this amendment.[15]

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[11] Union's Appeal Brief at 14-15. Respondent noted that the Union had made similar arguments in its post-trial brief in the district court. Respondent's Brief at 19 n.97.

[12] 42 U.S.C. § 2000e-2(j) and 42 U.S.C. § 2000e-5(g); Union's Brief at 70-71. As the Government noted in its Brief at 31 n.15, the language of § 703(j) corresponds to a provision of Title IV. 42 U.S.C. § 2000c(b), c-6 (1976). The Court has not permitted this provision to preclude the assignment of students by race where necessary to eliminate imbalances caused by discrimination. Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 17-18 (1971); McDaniel v. Barresi, 402 U.S. 39, 41-42 (1971). As the Union has observed, the 1964 legislative history reveals an intent that Title IV and Title VII be construed and implemented consistently. Union's Brief at 66-70.

[13] The phrase "any other equitable relief as the court deems appropriate" was added when the Act was amended in 1972. It clarifies congressional intent that relief for discriminatees be as broad as possible. *See* Albemarle Paper Co. v. Moody, 422 U.S. 405, 421 (1975), *quoting* 118 Cong. Rec. 7168 (1972) (statement of Senator Williams).

[14] Originally, the sentence stated more simply that an employer could not be required to hire an individual who was rejected "for cause." 110 Cong. Rec. 2567 (1964).

[15] *Id.*

The Union's argument was explicitly rejected when raised by the union intervenors in *EEOC* v. *AT&T*, 556 F.2d 167, 175-76 (3d Cir. 1977), *cert. denied*, —— U.S. ——, 98 S. Ct. 3145 (1978). There the Court of Appeals concluded that the sentence at issue "merely preserves the employer's defense that the non-hire, discharge, or non-promotion was for a cause other than discrimination." Since this sentence cannot, therefore, be read as a limitation upon a court's remedial authority under § 706(g), the Union's legislative history argument ultimately comes to nought.[16]

Other developments since 1964 confirm this view of the statute. First, as the majority of this Court in *Bakke* made clear, the Court has not forbidden preferential relief under Title VII.[17] To the contrary, Mr.

[16] Apart from its analysis of § 706(g), the Union's and Respondent's argument is padded with statements of congressional leaders who sought to assuage the fears of their critics that a failure to adopt quotas would constitute a violation of the Act. *Id.* at 33-34, 49, 56, 59-65. The few statements that may lend comfort to the Union, taken in the context of the thousands of pages of legislative history, including contrary indications, are not reliable indicia of congressional purpose with regard to § 706(g).

[17] Respondent acknowledges that this case does not raise a question of the constitutional permissibility of the race conscious remedial preferences voluntarily adopted by Kaiser. Respondent's Brief at 46. If such an issue were to arise, however, it would be akin to those involving "voting rights" or "minority set-asides" in which the legislature or an administrator has made a finding of a constitutional or statutory violation, and has provided for a race conscious remedy. In such situations, the courts consistently have upheld race conscious classifications. *See Bakke*, 98 S. Ct. at 2758 (opinion of Mr. Justice Powell). United Jewish Organizations, Inc. v. Carey, 430 U.S. 144 (1977) (race conscious redistricting without proof of past unconstitutional apportionments held constitutional); Constructors Ass'n v. Kreps, 441 F. Supp. 936 (W.D. Pa. 1977), *aff'd*, 573 F.2d 811 (3d Cir. 1978) (constitutionality of small business minority set-asides upheld); *accord*,

Justice Powell there noted his approval of racial preferences to remedy "identified discrimination," *id.* at 2754, 2758 n.44; and Mr. Justice Brennan observed that "judicial decisions as well as subsequent executive and congressional action clearly establish that Title VII does not forbid race-conscious remedial action," *id.* at 2775 n.17.

Second, federal courts of appeals have construed Title VII to permit race conscious remedial preferences.[18] Even the Fifth Circuit majority below did not go so far as the Union does now in claiming that a court may not order remedial preferences under Title VII.[19]

Third, contrary to the contentions of the Respondent and the Union,[20] it is a fact that both Houses of Congress [21] specifically approved of race conscious reme-

Fullilove v. Kreps, 584 F.2d 600 (2d Cir. 1978), *petition for cert. filed*; Ohio Contractors Ass'n v. Economic Dev. Administration, 452 F. Supp. 1013 (S.D. Ohio 1977), *aff'd*, 580 F.2d 213 (6th Cir. 1978). In this case, Title VII should not be construed to disable courts from ordering the kind of relief that Congress has ordered and that this Court has upheld as constitutional where the Congress has made its own findings of discrimination.

[18] *See* cases cited, Kaiser's Brief at 39 n.106, 44 n.115; Government's Brief at 26-27, 33.

[19] "Prior to the 1972 amendments to Title VII, our circuit approved . . . the use of a quota remedy to overcome employment discrimination. . . ." Pet. App. at 7a; Weber v. Kaiser Aluminum & Chemical Corp., 563 F.2d 216, 220 (5th Cir. 1977).

[20] Respondent's Brief at 41-45; Union's Brief at 74-76.

[21] The Union's statement in its Brief at 75 that "there were no votes at all in the House on any proposed amendments dealing with quotas" during discussion of the EEO Act of 1972, although

dial preferences in 1972 by rejecting proposed amendments to the Equal Employment Opportunity Act designed to change the implementation of Executive Order 11246 and reverse the prevailing judicial interpretations of Title VII.[22] The courts have found this failure of Congress to adopt the proposed anti-quota amendments to be "unusually clear evidence"[23] of congressional approval of race conscious preferences.[24]

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technically correct, ignores the real meaning of the House's action. The "Dent [anti-quota] Amendment," although never brought to a vote, was generally understood by the members of the House as being an amendment which would pass if the "Erlenborn substitute amendment" were rejected. Congressman Dent himself articulated the meaning of the vote on the Erlenborn amendment:

> We will let the Erlenborn amendment come to a vote of the House without offering any amendments whatsoever to it . . . . We say in my amendments that it was the intent of Congress that there should be no quotas . . . . *You know what you are doing. If you vote for the Erlenborn substitute amendment you vote for quotas* . . . [emphasis added].

Subcommittee on Labor of the Committee on Labor and Public Welfare, Legislative History of the Equal Employment Opportunity Act of 1972, 92d Cong., 2d Sess. 254-56. In the face of this clear admonition by the leader of the anti-quota forces, the House proceeded to enact the Erlenborn amendment. *Id.* at 312-17.

[22] Kaiser's Brief at 34-35 & n.97; Government's Brief at 31-35.

[23] United States v. Elevator Constructors Local 5, 538 F.2d 1012, 1019-20 (3d Cir. 1976).

[24] *Id.*; Regents of the Univ. of Cal. v. Bakke, —— U.S. ——, 98 S. Ct. 2733, 2781 n.28 (1978) (opinion of Mr. Justice Brennan); EEOC v. AT&T, 556 F.2d 167, 177 (3d Cir. 1977), *cert. denied*, —— U.S. ——, 98 S. Ct. 3145 (1978); Boston Chapter NAACP v. Beecher, 504 F.2d 1017, 1028 (1st Cir. 1974), *cert. denied*, 421 U.S. 910 (1975); Comment, ***The Philadelphia Plan: A Study in the Dynamics of Executive Power***, 39 U. Chi. L. Rev. 732, 747-60 (1972).

III. IDENTIFICATION OF VICTIMS OF PAST DISCRIMINATION IS NEITHER NECESSARY NOR POSSIBLE FOR VOLUNTARY REMEDIAL ACTION

Respondent erroneously contends that voluntary race conscious remedial action is legal only if it is strictly limited to individual victims of past discrimination.[25] Further, the Union asserts that court-ordered remedies for such victims must be limited to putting such victims in their rightful place.[26] These contentions reflect an unduly narrow view of the aims of Title VII and the reality of voluntary compliance.

Both of the Title VII cases which Respondent cites for the proposition that only identifiable victims may benefit from voluntary remedial action deal with the "make whole" purpose of Title VII and the "rightful place" remedial theory which underlies it.[27] Title VII, however, has an additional "prophylactic" pur-

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The Respondent has further misconstrued the meaning of congressional action on a proposed anti-quota amendment to the Departments of Labor and Health, Education and Welfare appropriation bill for 1978. Respondent's Brief at 45 n.184. This amendment was rejected by the Conference Committee. "The Court has recognized that the construction of a statute by those charged with its execution is particularly deserving of respect where Congress has directed its attention to the administrative construction and left it unaltered . . . ." *Bakke*, 98 S. Ct. at 2777 (opinion of Mr. Justice Brennan).

[25] Respondent's Brief at 70-75.

[26] Union's Brief at 19-20, 70-71, 78-82.

[27] *See, e.g.*, International Bhd. of Teamsters v. United States, 431 U.S. 324 (1977); Franks v. Bowman Transp. Co., 424 U.S. 747 (1976).

pose [28] which this Court has explicitly endorsed, but which Respondent and the Union reject.[29] The prophylactic aim of Title VII is

> to achieve equality of employment opportunities and remove barriers that have operated in the past to favor . . . white employees over other employees.[30]

This Court has never considered the scope of action which may be justified or required by Title VII's prophylactic aim. Decisions on "rightful place" relief to individuals do not decide the issue here [31] since, by its very nature, the prophylactic purpose of Title VII concerns groups and not individuals. However, in considering another broad aim—educational diversity—Mr. Justice Powell concluded in *Bakke* [32] that race might be considered in school admissions without suggesting that the benefits of that consideration should be limited to applicants who were previously rejected. A similar result is appropriate under Title VII. While the scope of voluntary race conscious remedial action must be reasonable under the circumstances,[33] it should not be limited by a "make whole" theory because Title VII's prophylactic objective is broader than that.[34]

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[28] Indeed, this Court has called it Title VII's "primary objective." Albemarle Paper Co. v. Moody, 422 U.S. 405, 417 (1975).

[29] *See* Respondent's Brief at 72-75; Union's Brief at 78-82.

[30] Griggs v. Duke Power Co., 401 U.S. 424, 429-30 (1971).

[31] *See* Kaiser's Brief at 41 n.107.

[32] 98 S. Ct. at 2760-63.

[33] *See* Kaiser's Brief at 44-60.

[34] On this basis, among others, many courts have concluded that relief extending beyond individual victims is proper under Title VII. *See* Kaiser's Brief at 39 n.106. Respondent does not deal with any of these decisions, some of which are cited with approval in Mr. Justice Powell's opinion in *Bakke*. *Id.* at 41.

Respondent also overlooks the fact that employers and unions can be found to have violated Title VII on the basis of unrebutted class-wide statistics.[35] If liability may be imposed on a class-wide basis, compliance efforts like the 1974 training program should be evaluated on that same basis.[36]

Respondent denigrates voluntary compliance—the "preferred means" of achieving Title VII's aims [37]—by minimizing the "administrative inconvenience" [38] of identifying individual victims of discrimination. The practical considerations involved in voluntary compliance cannot be dismissed so cavalierly. "Identification" of victims of discrimination is generally impossible in a voluntary setting. Although courts and government agencies can attempt such identification within the limits of their resources,[39] their remedies are obviously not voluntary. If, however, employers' unions must themselves "identify" victims of discrimination, in the process they must admit they have discriminated

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[35] Hazelwood School Dist. v. United States, 433 U.S. 299, 307-08 (1977). *See* Kaiser's Brief at 15-16.

[36] If voluntary compliance is limited to remedies for identifiable victims, many employers could find it impossible to reduce significantly the risks posed by a potential prima facie statistical case. Past "victims" are not always "identifiable." Those who might be identifiable cannot always be found. Rejected applicants go elsewhere, as do former employees. If benefits can be voluntarily provided only to such persons, concerns over statistical underrepresentation may be ineradicable.

[37] Alexander v. Gardner-Denver Co., 415 U.S. 36, 44 (1974).

[38] Respondent's Brief at 74-75.

[39] Kaiser's Brief at 23-27.

in the past. As discussed in Kaiser's main brief,[40] this requirement would leave employers and unions teetering on the "high tightrope without a net beneath them."

By relying only on cases concerning post-litigation remedies to individuals, Respondent has gone astray. His narrow focus ignores Title VII's primary prophylactic objective and would require employers either to go to court or to act like courts. Voluntary remedial action would not be feasible under such circumstances.

The Union's position would generally produce the same result. Under its view, companies and unions could voluntarily agree to take race conscious action which courts could not impose even where discrimination had been found. "Highly motivated" and "creative"[41] as the Steelworkers have been on equal employment opportunity matters, it is doubtful that even they will be able to continue programs which may be regarded as disadvantageous to white male members and which are not arguably required for compliance with federal law.

IV. THE RESULT REACHED BY THE COURT OF APPEALS AND ENDORSED BY RESPONDENT WILL RADICALLY ALTER THE NATURE OF TITLE VII AND DELAY ALMOST INDEFINITELY THE ACHIEVEMENT OF EQUAL EMPLOYMENT OPPORTUNITY FOR MINORITY AND FEMALE WORKERS

Respondent's Brief ends in a flurry of bleak, but unsupported, speculations about the consequences of permitting actions like the 1974 training program. In contrast to such speculations, there are two consequences of accepting Respondent's arguments and affirming the

[40] *Id.* at 30-43.

[41] Union's Brief at 9, *citing* testimony of Thomas Bowdle.

Court of Appeals' judgment which are as sure as anything can be.

First, affirmance will radically alter the nature of Title VII. This statute embodies a national policy of "the highest priority."[42] It was not, and has never been construed to be, a law which merely provides a remedy for individual injuries and goes no further. Instead, Title VII and its potential remedies are meant to "provide the spur or catalyst which causes employers and unions to self-examine and self-evaluate their employment practices"[43] and to encourage voluntary compliance."[44]

If the judgment of the Court of Appeals is affirmed, self-examination and affirmative action will largely end. Such action is, almost by definition, race conscious. Under Respondent's arguments and the Fifth Circuit's holding, the perils of race conscious programs will be prohibitive. Employers will be barred from taking such action unless they are prepared to admit to past discrimination and identify their victims. Title VII will become a law which discourages what was intended to be the "preferred means"[45] of achieving its larger purposes.

The second certain result of affirming the judgment below is that full participation of women and minorities in the workforce will be further delayed. This fact must be squarely faced: the progress of minority group

[42] Alexander v. Gardner-Denver Co., 415 U.S. 36, 47 (1974), *quoting* Newman v. Piggie Park Enterprises, 390 U.S. 400, 402 (1968).

[43] Albemarle Paper Co. v. Moody, 422 U.S. 405, 417 (1975).

[44] Alexander v. Gardner-Denver Co., *supra*, 415 U.S. at 44.

[45] *Id.*

members and women—which is temperate even with steps like the 1974 training program[46]—will become glacial. The pace of change will be imperceptible. This will be true not only at Gramercy but in many other industrial apprentice programs.[47]

Mr. Justice Blackmun recognized this fact in his opinion in *Bakke* when he stated:

> I suspect that it would be impossible to arrange an affirmative action program in a racially neutral way and have it successful. To ask that this be so is to demand the impossible. In order to get beyond racism, we must first take account of race. There is no other way.[48]

CONCLUSION

The judiciary's long and often frustrating experience in trying to achieve school desegregation is instructive in this case. Mr. Justice Brennan noted in *Green* v. *County School Board,* 391 U.S. 430, 439 (1969), that

> [t]here is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance.

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[46] *See* Kaiser's Brief at 52 n.135. (This footnote in Kaiser's initial brief contains the following phrase which should be omitted: "that Kaiser added an average of seven black trainees per year;".)

[47] Evidence in a similar situation involving a paper company established that 96% of the minorities admitted to an apprenticeship program in four years under a 1:1 affirmative action selection ratio would not have been admitted under straight seniority and that it would be at least 10 more years before blacks would have enough seniority to compete proportionately with whites for apprenticeship opportunities. *In re* International Paper Co., 69 Lab. Arb. Rep. 857 (1977).

[48] 98 S. Ct. at 2808.

The Court also stated in the *Green* case that a remedial plan should be judged in terms of whether it "promises realistically to work, and promises realistically to work, *now.*" *Id.* (emphasis in original).

Under that standard, the Supreme Court subsequently reversed a court of appeals' modification of a lower court order setting specific ratios for assignment of black and white teachers in various schools for the coming year. *United States* v. *Montgomery County Board of Education,* 395 U.S. 225 (1969). The Court viewed the modification as taking "from the order some of its capacity to expedite, by means of specific commands, the day when . . . [nondiscrimination] becomes a reality instead of a hope." *Id.* at 235.

The program challenged in this case has already proved its capacity to work. There is no other way to utilize the parties' established seniority system and provide meaningful opportunities in craft jobs to minorities and women for years to come. Kaiser respectfully asks the Court not to condemn this means of promoting a more fully integrated work force.

Respectfully submitted,

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